IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.NO. 492/2001

PETITIONERS :

1. Radhe Shyam Agrawal, son of late Shri Baijnath Agrawal, aged about 43 years, resident of School Para, Baikunthpur, distt. Korea, Chhattisgarh.

P. R. No. 464/01
Presented by Shri B Sharma
dated 19-3-01

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through Chief Secretary, D.K.Building Raipur, Chhattisgarh.

2. Special Police Establishment Lokayukta office, Raipur, C'Garh.

3. Jila Yojna Samiti, Baikunthpur, district Korea, through its Secretary, / Collector, Baikunthpur, Chhattisgarh.

4. Dhuprad Chauhan, Member, District Planning Committee, West Jhagdakhand Colory, distt. Korea Baikunthpur, Chhattisgarh.

5. Shri Om Prakash Gupta, Member, District Planning Committee, President, Nagar Panchayat, Jhagra Khand, district Korea, Chhattisgarh.

6. Smt. Prabha Patel, Member, District Planning Committee, Corporator, Ward No.4, Nagar Jila Parisad,

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(5)

Manendragarh,district Korea,C'Garh.

7. Shri Ramanuj Agrawal, Member,District Planning Committee, President Nagar Palika,Manendra Garh,distti.Korea, Chhattisgarh.

8. Smt.Tara Devi Pandey,Member, District Planning Committee,Mahal Para,Baikunthpur,district Korea,Chhattisgarh.

9. Smt.Sushila Devi,Member, District Planning Committee,Post office Janakpur,Tehsil Bharat,Baikunthpur,C'Garh. Bharatpur,Chhattisgarh.

10. Smt. Sushila Dev,Member,District Planning Committee at Khadgawan.

11. Bhagwandin, Member, District Planning Committee,Janakpur,Tehsil Bharatpur.

12. Eexecutive Engineer, Public Works Department,Korea,Division, Manendragarh. Chhattisgarh.

13. Executive Engineer,Rural Engineering Service, Division Baikunthpur,C'Garh.

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(81)

आदेश पत्रक

W.P.No. 492/2001

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	DB: Hon'ble Mr. Justice W.A.Shishak, C.J. & Hon'ble Mr. Justice Fakhruddin, J. 16.7.2001 Petitioner by Shri Prashant Mishra, Advocate. Respondent-State by Dr. N.K.Shukla, Dy. A.G. Heard. By this petition, styled as public interest, the petitioner has prayed for the relief of setting aside the decision of granting various contracts in the meeting convened on 27.12.2000 and 1.1.2001. The petitioner further prays for a direction to the respondents to punish the persons involved in awarding the contracts. The petitioner is a practising lawyer. It is noted that the affidavit filed in support of the petition is not in conformity with the observations made by a division Bench at Indore Bench of High Court of Madhya Pradesh in W.P.No. 988/99 (S.P.Anand Vs. State of M.P.). The matter however was heard on 20.4.2001 and on that day learned Deputy Advocate General submitted that one of the contractor had filed a writ petition No. 174/2001(M/s Krishan Kumar & Company Vs. The District Planning Committee & others) one of the grievance raised in said petition was also	

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with regard to construction of a road. A division Bench of this Court after considering the entire material available on record found that the petition was involving disputed questions of facts which did not invoke the jurisdiction envisaged under Article 226 of the Constitution of India.

The Apex Court in the case of Malik Brothers Vs. Narendra Dadhich and another, reported in 2000(1) JLJ 36 has considered the scope of Public Interest Litigation in great detail that " it is necessary to bear in mind that public interest litigation is usually entertained by a Court for the purpose of redressing public injury, enforcing public duty, protecting social rights and vindicating public interest. The real purpose of entertaining such application is the vindication of the rule of law, effecting access to justice to the economically weaker class and meaningful realisation of the fundamental rights. One of the contractor had filed a petition in this Court which was registered as W.P.No. 174/2001 and this Court declined to entertain the same. In the present case, a perusal of the petition shows that some paragraphs of the petition are raising the grievance that in the said meeting certain contracts were considered and the contractors after depositing the earnest money etc. could not get contract. The dispute is about various contractors which have been

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उच्च न्यायालय, मध्यप्रदेश, जबलपुर

(82)

आदेश पत्रक

मामला क्रमांक ..... सन् 199

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

entered into contracts. The contractors and rival parties involved in the contracts are capable enough if required on persuing the remedies, they are not economically weaker class of persons.

Public Interest and Private Interest are quite different where the matter can be agitated by a ~~contractor~~ individual or party, as in the present case, there is no public interest involved. The rule of prudence requires that the Court should be cautious in entertaining the public interest litigation, as it may adversely effect the civil rights of the respective parties as well.

Having examined the matter from ~~different~~ all aspects & angles, in the opinion of this Court it is not a fit case for exercising extra ordinary jurisdiction vested under Article 226 of the Constitution of India, in exercise of public interest litigation. This public interest litigation is accordingly dismissed. The security deposited be refunded.

Thakur.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge

देखिये